

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 09-71300

GOODE WYCHE, JR.,

Chapter 13

Debtor.

Judge Thomas J. Tucker

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ORDER DISMISSING CASE

On October 9, 2009, Debtor filed a voluntary petition for relief under Chapter 13, commencing this case. On October 16, 2009, Debtor filed a “Certificate of Counseling” (Docket # 16), which states that on *October 15, 2009*, Debtor received “an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.”

Debtor is not eligible to be a debtor in this case under 11 U.S.C. § 109(h)(1). That provision provides in relevant part, that

an individual may not be a debtor under this title unless such individual has, during the 180-day period preceding the date of filing the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

Debtor received his credit counseling briefing *after* the petition was filed in this case; he did not receive it within the 180-day pre-petition period.¹ With exceptions not applicable here, 11 U.S.C. § 109(h)(1) requires a debtor to obtain credit counseling *before* filing a bankruptcy

¹ The Court notes that Debtor also received a credit counseling briefing on December 24, 2008, according to the credit counseling certificate filed in Debtor’s most recent previous case (No. 09-57433, Docket # 7). But that was outside the 180-day period preceding the filing of the petition in this case, so it does not qualify to make the Debtor eligible to be a debtor in this case.

petition.

Accordingly,

IT IS ORDERED that this case is DISMISSED.

Signed on October 29, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge